

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN OF PENNSYLVANIA**

**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
LITIGATION**

**No. 12-md-2323 (AB)**

**MDL No. 2323**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**PLAINTIFF DUERSON'S MOTION FOR LEAVE TO FILE  
REPLY TO SEEGER'S RESPONSE TO DUERSON'S  
SECOND MOTION REQUESTING THE DISSEMINATION OF DATA**

Plaintiff, TREGG DUERSON, Personal Representative of the ESTATE OF DAVID DUERSON, deceased, by and through his attorneys, CORBOY & DEMETRIO, P.C., respectfully requests this Court grant him leave to file the attached Reply, and states:

1. On July 29, 2014, Plaintiff filed his Second Motion Requesting the Dissemination of Data. ECF 6101.
2. On September 2, 2014, the NFL Defendants and Co-Lead Class Counsel filed their Response to Plaintiff's Second Motion. ECF 6102, ECF 6146.
3. Plaintiff now requests leave to file the attached Reply to address and respond to the statements made Mr. Seeger's Response.

WHEREFORE, Plaintiff, TREGG DUERSON, Personal Representative of the ESTATE OF DAVID DUERSON, deceased, by and through his attorneys, CORBOY & DEMETRIO, P.C., respectfully requests this Court grant him leave to file the attached Reply to Co-Lead Class Counsel's Response to Plaintiff's Second Motion Requesting the Dissemination of Data.

/s/ William T. Gibbs  
William T. Gibbs

Thomas A. Demetrio  
William T. Gibbs  
Corboy & Demetrio, P.C.  
Attorneys for Plaintiffs  
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Attorney I.D. No. 611506

**Certificate of Service**

On September 3, 2014, I electronically filed a copy of the foregoing document through the CM/ECF system for the United States District Court for the Eastern District of Pennsylvania, which will send a notice of electronic filing to all counsel of record and make it available for viewing and downloading from the CM/ECF system.

*/s/ William T. Gibbs*

William T. Gibbs

# 611506

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7/29/2014

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**IN RE: NATIONAL FOOTBALL  
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**No. 12-md-2323 (AB)**

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**MDL No. 2323**

**REPLY TO SEEGER'S RESPONSE TO DUERSON'S SECOND MOTION  
REQUESTING THE DISSEMINATION OF DATA**

Plaintiff, TREGG DUERSON, Personal Representative of the ESTATE OF DAVID DUERSON, deceased, by and through his attorneys, CORBOY & DEMETRIO, P.C., replies and states:

1. On January 21, 2014 Mr. Seeger acknowledged, in a room full of his peers, the need for all Plaintiffs' lawyers to see the economic and actuarial data "sooner rather than later" and promised to seek this Court's permission to disseminate the data. (ECF 5686.) He never did.

2. Later, he wrote:

"... this material should be made available to counsel, as well as PSC Members who have not been privy to the supporting data and economic models.

\* \* \*

The information requested by the Court to be provided to the Special Master is expected to be provided to absent class members to permit them a basis and sufficient time to inform their decision as

to how to best evaluate the settlement.

\* \* \*

*without doubt, the materials can and should be made available to absent class members*, as such access is traditionally allowed in between the time of Preliminary approval of the class certification.”

(ECF 5699.)

3. Inexplicably, the materials have never been provided.
4. Class members have, now, less than sixty (60) days to make opt-out or objection determinations. Co-Lead Counsel refuses to disclose this admittedly critical information to the Class or their lawyers. Plaintiff, on behalf of himself and the thousands of others who deserve to make fully-informed decisions regarding this settlement, once again asks that this Court grant his motion. The clock is ticking.

WHEREFORE, Plaintiff requests an Order directing the dissemination to *all* counsel of record of *all* data utilized by Co-Lead Counsel to help them reach the original proposed settlement as well as the preliminarily approved class action settlement.

/s/ Thomas A. Demetrio

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